

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:97-CR-39-5-BO

RODNEY CANNADY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.


)
)
)
)
)
)
)

ORDER

This cause comes before the Court following notice to petitioner of its intent to construe petitioner's motion pursuant to Rule 60(b) as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. [DE 199]. As petitioner has failed to notify the Court of his intent to withdraw or amend his Rule 60(b) motion, the Clerk of Court is hereby DIRECTED to amend the docket to reflect that petitioner's motion filed May 6, 2015 [DE 198] is a motion to vacate pursuant to 28 U.S.C § 2255.

Having examined petitioner's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion to vacate, set aside or correct sentence, within **forty (40)** days of the filing of this order.

SO ORDERED, this 57 day of January, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE